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BREWER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

21X CAPITAL LTD.; DAVID A.
BREWER,

Plaintiffs,

vs.

ROBERT WERRA; JOHN WERRA; 20/20
TECHNOLOGIES, INC. and DOES 1-50,
inclusive,

Defendants.

Case No. C06-04135 JW (HRL)

**STIPULATED REQUEST FOR
FURTHER ORDER STAYING ACTION**

Plaintiffs 21X Capital Ltd. and David A. Brewer, and defendants Robert Werra, John Werra, and 20/20 Technologies (collectively, "the Parties"), by and through their attorneys of record, respectfully request that the Court approve the following stipulation staying this action.

This is an alter ego action in which plaintiffs allege that defendants are the alter egos of RJW Acquisitions, L.C. ("RJW"). RJW has filed for bankruptcy in the United States Bankruptcy Court for the Eastern District of Texas (Sherman Division) (case no. 06-40238) and is the subject of ongoing bankruptcy proceedings in that court. In light of those bankruptcy proceedings, the Parties had earlier stipulated to a stay of this action. Specifically, by stipulation and order entered on July 25, 2006, this Court approved the

1 Parties' request for a stay through November 1, 2006, vacated the dates set forth in the July 3,
2 2006 "order setting initial case management conference and ADR deadlines" (including but
3 not limited to the dates for the initial disclosures and the initial case management conference)
4 and took defendants' pending motion to dismiss or transfer venue off calendar (without
5 waiver of defendants' right to re-set such motion following the lifting of the stay).

6 As is relevant to the instant stipulation and request for further stay, two
7 motions are currently pending before the Bankruptcy Court in Texas. Specifically, on
8 December 4, 2006 the Bankruptcy Court will hear a motion to dismiss the RJW bankruptcy
9 case and, if that motion is denied, on January 25, 2007, the Bankruptcy Court will hear a
10 motion with respect to an alleged violation of the bankruptcy stay (the trustee of RJW's estate
11 contends that the estate owns the alter ego claims pursued by plaintiffs in this action).

12 In light of these pending motions, the Parties hereby stipulate that this action be
13 stayed until February 1, 2007, subject to the right of any party to terminate the stay upon five
14 (5) court days' written notice. Such written notice shall be provided both to the Court and to
15 all counsel of record. Once the stay is lifted, defendants' pending motion to dismiss or
16 transfer shall be re-set and the Parties shall attend a status conference on a date to be set by
17 the Court to discuss the date for initial disclosures, ADR compliance and options, and other
18 trial setting activities.

19 The Parties, as well as RJW's trustee in bankruptcy, all agree that it will
20 promote judicial efficiency, and is in the interests of the Parties and RJW, if this action is
21 stayed until the further activities in RJW's Bankruptcy case take place.

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1 The Parties respectfully request that the court approve the forgoing stipulation
2 and that the Court enter this stipulation as an order.

3 **IT IS SO STIPULATED.**

4 For Plaintiffs:

5 Dated: November 15, 2006

ROGERS JOSEPH O'DONNELL

6 By: /s/ THOMAS CARLSON

7 Attorneys for Plaintiffs 21X CAPITAL LTD. and
8 DAVID A. BREWER

9 For Defendants:

10 Dated: November 14, 2006

MURPHY, PEARSON, BRADLEY & FEENEY

11 By: /s/ JOHN FEENEY

12 Attorneys for Defendants ROBERT WERRA; JOHN
13 WERRA; and 20/20 TECHNOLOGIES, INC.

14 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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17 Dated: November 16, 2006

By: 

HON. JAMES WARE
U.S. DISTRICT COURT JUDGE